IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 12561 of 2003

Between:

1. Boyapati Venkata Krishnaiah @ Krishna Murthy, S/o.Nagayya,
D.No.5-303, Opp:RTC Bus Depot, Chilakaluripet,
Guntur Dist.
2. Boyapati Rama Mohan Rao, S/o.B.Venkata Krishnaiah,
D.No.5-303, Opp: RTC Bus Depot, Chilakaluripet,
Guntur Dist.

..... PETITIONERS

AND

1. Government of India, rep.by its Secretary,
Finance & Planning Dept., New Delhi.
2. The Branch Manager, State Bank of India,
Chilakaluripet Branch, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more especially one in the nature of Writ of Mandamus or any other appropriate direction declaring the impugned notice dated: 15.4.2003 issued by the 2nd respondent under provisions of Section 13 of Act 54 of 2002 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as illegal, arbitrary, violative of Principles of Natural Justice and also violative of the basic principles of rule of law and fundamental

rights guaranteed under Constitution of India and set aside the same as the said provisions of Section 13 of the Act are ultra vires and unconstitutional and consequentially stay all further proceedings pursuant to the notice dated: 15.4.2003 issued by the 2nd respondent Bank under Section 13 of Act 54 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 pending disposal of the writ petition.

Counsel for the Petitioners: Mr.Ravi Shankar Jandhyala

For the Respondent No.1: Mr.A.Rajasekhar Reddy

Central Govt. Standing Counsel

For the Respondent No.2: Ms. P.Balarani,

Standing Counsel.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

In view of the decision rendered by the Honourable Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted. Writ Petition is, therefore, dismissed. No costs.

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DEVINDER GUPTA, C.J.

14.09.2004.

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C.V.RAMULU, J.

VR.

To

1.The Secretary to Government of India,
Finance & Planning Dept., New Delhi.
2. The Branch Manager, State Bank of India,
Chilakaluripet Branch, Guntur Dist.

3. Two CD copies.